

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

KARIN L. ANDERSON, a/k/a)
KARIN L. HARGRAVE, # R-79101,)
)
Petitioner,)
)
vs.) Case No. 12-cv-938-DRH
)
WARDEN SHERYL THOMPSON,)
)
Respondent.)

MEMORANDUM AND ORDER

HERNDON, Chief Judge:

State prisoner Karin L. Anderson (a/k/a Karin L. Hargrave), by counsel, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 on August 24, 2012. On September 7, 2012, she filed a motion (Doc. 3) for leave to file instanter her first amended petition and incorporated memorandum of law. That motion is hereby **GRANTED**. The first amended petition, attached as Doc. 3-1, shall be reviewed below.

Petitioner challenges her 2005 Saline County, Illinois, conviction for three counts of predatory criminal sexual abuse of a child in case no. 05-CF-20. Petitioner was sentenced to three consecutive 20-year terms, for an aggregate sentence of 60 years. She challenges her conviction based on ineffective assistance of counsel. Specifically, she points to counsel's failure to investigate or present evidence of a longstanding pattern of domestic violence that would have supported petitioner's defense of compulsion, and counsel's failure to introduce

the child victim's prior inconsistent statement, or adduce evidence that the child's trial testimony was the product of coaching.

Petitioner indicates that she has exhausted her state court remedies with respect to the claims raised in the federal habeas petition; furthermore, she appears to have filed her petition in a timely manner.

IT IS HEREBY ORDERED that respondent shall answer the petition or otherwise plead within thirty days of the date this order is entered (on or before October 10, 2012). This preliminary order to respond does not, of course, preclude the State from making whatever waiver, exhaustion or timeliness argument it may wish to present. Service upon the Illinois Attorney General, Criminal Appeals Bureau, 100 West Randolph, 12th Floor, Chicago, Illinois 6060, shall constitute sufficient service.

The Clerk is **DIRECTED** to terminate respondent State of Illinois and substitute as respondent Warden Sheryl Thompson. Petitioner is **GRANTED** leave to file the first amended petition (Doc. 3-1), together with petitioner's exhibits A-K (originally docketed as Docs. 2-1 through 2-12) in accordance with the relief requested in the motion for leave to file instanter (Doc. 3).

IT IS FURTHER ORDERED that pursuant to Local Rule 72.1(a)(2), this cause is referred to a United States Magistrate Judge for further pre-trial proceedings.

IT IS FURTHER ORDERED that this entire matter be **REFERRED** to a United States Magistrate Judge for disposition, as contemplated by Local Rule

72.2(b)(2) and 28 U.S.C. § 636(c), *should all the parties consent to such a referral.*

IT IS SO ORDERED.

DATED: September 10, 2012

David R. Herndon



Digitally signed by
David R. Herndon
Date: 2012.09.10
14:23:00 -05'00'

Chief Judge
United States District Court